

HOUSE BILL REPORT

SSB 5180

As Passed House:
April 15, 2013

Title: An act relating to improving access to higher education for students with disabilities.

Brief Description: Improving access to higher education for students with disabilities.

Sponsors: Senate Committee on Higher Education (originally sponsored by Senators Shin, Roach, Benton, Conway, Harper, Keiser, Sheldon, McAuliffe, Hill, Hatfield, Frockt, Schlicher and Kline).

Brief History:

Committee Activity:

Higher Education: 3/12/13, 4/2/13 [DP].

Floor Activity:

Passed House: 4/15/13, 76-21.

Brief Summary of Substitute Bill

- Creates a 29-member legislative task force charged with improving access to higher education for students with disabilities.
- Requires the task force to make recommendations to the Legislature each December from 2013 to 2015.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass. Signed by 14 members: Representatives Seaquist, Chair; Pollet, Vice Chair; Haler, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Fagan, Hansen, Johnson, Pedersen, Reykdal, Riccelli, Sells, Smith, Walsh and Wylie.

Minority Report: Do not pass. Signed by 3 members: Representatives Hargrove, Magendanz and Scott.

Staff: Luke Wickham (786-7146).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Federal Disability Law.

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal law that protects qualified individuals from discrimination based on their disability. Section 504 applies to employers and organizations that receive federal financial assistance, including higher education institutions that accept students who receive federal financial aid. Individuals with disabilities are defined under this law as persons with a physical or mental impairment which substantially limits one or more major life activities. Qualified individuals are persons who can perform the essential functions of the job or school for which they applied, with reasonable accommodations. The organization must take reasonable steps to provide these accommodations unless it would cause that organization undue hardship.

Section 504 requires K-12 school districts to provide a free appropriate public education (FAPE) to each child with a disability. However, postsecondary schools are not required to provide a FAPE, but must provide appropriate academic adjustments as necessary to ensure that they do not discriminate on the basis of disability. Also, if postsecondary institutions provide housing to nondisabled students, they must also provide comparable, convenient, and accessible housing to students with disabilities at the same cost.

The Americans with Disabilities Act (ADA) guarantees equal opportunity for individuals with disabilities in public and private sector services and employment. Title II of the ADA prohibits all state and local governmental entities, including public colleges and universities, from discriminating against people with disabilities. Title III of the ADA prohibits private colleges and universities from discriminating against people with disabilities.

Schools may set reasonable standards regarding documentation of a disability for purposes of compliance with section 504 and the ADA. This documentation could include a diagnosis of the disability, an individualized education plan, or a professional evaluation. The ADA and section 504 require institutions to provide reasonable accommodations unless it would cause that organization undue hardship.

Summary of Bill:

A legislative task force regarding improving access to higher education for students with disabilities is established. The purpose of the task force is to make recommendations to the Legislature and to coordinate and implement the following goals:

- make the transition from K-12 education to higher education more seamless and successful;
- select a statewide method of sharing best practices between K-12 and postsecondary institutions;
- review documentation of disabilities at postsecondary education institutions and develop resources for how school districts can get disability documentation applicable for postsecondary institutions completed before a student's high school graduation; and
- create a plan for how school districts and postsecondary institutions can improve outreach to students and their families regarding available options in higher education.

The task force must consist of not more than 29 members, including:

- seven members appointed by the Governor, including four private citizens with experience advocating and providing for students with disabilities, and three representatives from nonprofit organizations focused on advocating for or providing services to citizens with disabilities;
- eight members appointed by the Office of the Superintendent of Public Instruction (OSPI), including two representatives from the OSPI, two representatives from educational service districts, and four representatives from local school districts that have a high concentration of students with disabilities;
- four members appointed by the State Board for Community and Technical Colleges (SBCTC), including one representative from the SBCTC and three representatives from the public community or technical colleges;
- four members appointed by the Council of Presidents, including one representative from the council and three representatives from a regional university;
- one member appointed by the Superintendent of the Washington School for the Blind;
- one member appointed by the Secretary of the Department of Social and Health Services;
- one member appointed by the Executive Secretary of the Governor's Committee on Disability Issues and Employment;
- one member appointed by the Chair of the Developmental Disabilities Council;
- one member appointed by the Superintendent for the Washington School for the Deaf; and
- one member appointed by the Workforce Training and Education Coordinating Board.

When making recommendations to the Legislature, the task force must consider:

- how to ensure that the interests of students guide the transition planning process;
- how to enable collaboration and communication between schools, higher education institutions, and relevant state agencies to provide an effective transition;
- how assessment and disability documentation that is acceptable to postsecondary institutions should be determined and obtained;
- how to identify the types of supports and accommodations that students need in postsecondary environments;
- how students can plan their high school coursework to prepare for higher education; and
- if a statewide database of student disability accommodation equipment, software, and resources owned by school districts and postsecondary institutions should be created to assist the educational transition for students, and what public entity would be best suited to create and maintain that database.

The task force is also encouraged to consider details related to disability documentation when making their recommendations to the Legislature. The Washington Student Achievement Council must provide staff support to the task force within existing funds. The recommendations must be reported to the Legislature by December 1, 2013, and annually thereafter until the task force expires on January 1, 2016.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Some children are born with a disability and they have a difficult time transitioning into higher education. Every person with a disability can benefit from a little help to become a productive member of the society. There are a lot of questions about disabilities and a large task force would help answer these questions. The transition people with disabilities make from the K-12 environment to higher education is critical. The documentation that community and technical colleges require depends on the circumstances, but work is done with faculty to accommodate students. It matters greatly for individuals to get an accommodation. These reasonable accommodations go a great way to help students succeed. Communication between schools is also very important. The choice that individuals with a disability have between different institutions should not be based on the accommodations that are provided by different institutions, but based on the merits of each institution. It is important to share information about what works and what does not work for students with disabilities. It is difficult for those who have disabilities to find equal employment opportunities. Many different institutions are interested in participating in the task force. Central Washington University has over 5,000 students registered as with disabilities. Student success is important and the transition between K-12, higher education, and the workforce is critical to that success. It is important to look at this issue holistically. The transition is the key piece, so that a student does not show up in August and need accommodations; hopefully that student could come to institutions earlier to request accommodations. This task force is the only way to get all of the players together. Currently, there is collaboration among higher education institutions, but not as much between higher education institutions and K-12 institutions.

(Opposed) None.

Persons Testifying: Senator Shin, prime sponsor; Scott Copeland, State Board for Community and Technical Colleges; Brian Rowe, Seattle University Law School; David Lord, Disability Rights Washington; and Steve DuPont, Central Washington University.

Persons Signed In To Testify But Not Testifying: None.